

9 August 2018

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Re: Smeaton Grange SSD 7424 Modification 1 Amendment - Condition B61

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Dear Mr Williams,

This letter is to request the Department's consideration of an amendment to the SSD 7424 Modification 1 application (modification), currently being considered by the Department. The proposed amendment concerns Condition B61, which relates to the design and construction of the site security fencing at the front of the development, and Camden Council's (Council) role in approving the design.

The condition currently states:

B61. Prior to the issue of a Construction Certificate, the Applicant shall submit to Council a detailed design for security gates and fencing at the entrance to the site. Once the design has been agreed with Council, the Applicant shall install the security gates and fencing in accordance with the approved design.

We request that the condition be removed, or amended to:

The site security gates and fencing at the front of the site are to be designed in consultation with Council prior to the commencement of construction.

We believe that this is justified, considering the matters discussed below.

### Design of the fence conforms with Camden Council Development Control Plan 2011

The relevant sections of *Camden Council Development Control Plan 2011* (DCP) relating to the security gates and fencing at the front of the site is D4.2.5 Fencing. The proposed design, a 2.1 m tall black palisade fence, setback 1 m from the site:

- Is 'safer by design' (eg taking public safety into account when designing public space) for the reasons described in the modification's Statement of Environmental Effects (SEE) Section 3.5;
- meets the DCP's maximum height of 2.1 m;
- is a type of 'decorative metal' fence;
- meets the DCP's 1 m minimum setback;
- is able to allow for the flow of overland flood flow paths due to high permeability; and
- is designed with gates behind the landscape area which swing into the property.

As discussed in the SEE, Council's previously stated concerns regarding visual screening will be achieved by the provision of landscaping, as outlined landscape management plan, which has been reviewed and commented on by Council (30 July 2018). In its comments, Council noted its previous request for additional planting density had been met and raised no objection to the submitted plan.

As explained above, the fence meets the requirements of the DCP. Therefore, requiring the detail design of the fence design to be approved by Council has no practical benefit. If the condition must be retained, consulting with Council regarding the design would allow Council to comment on any areas of concern. Concerns would then be addressed as per the Evidence of Consultation requirements (Condition A13), to be considered by the certifying authority.

### Consultation requirement aligns condition with remainder of consent

The condition currently effectively makes Council a consent authority for the construction of the development by requiring the applicant to receive Council's approval of the design of the front fence and gates prior to the issuing of a Construction Certificate.

Several conditions, including conditions B19, B20, B36 and B58, require aspects of the proposed development to be designed or prepared in consultation with Council. No other condition requires Council to approve the design of an element of the development, with that responsibility largely delegated to the certifying authority.

As such, amending the condition to require consultation with Council, rather than approval from Council, will align the condition with the remainder of the consent.

### Closing

The design of the front security gate and fence, as proposed in the modification, meets the requirements of Council's DCP, which should be the primary merit based consideration for the element of the development.

We therefore believe B61 is redundant and may be removed from the consent. However, if retained, amending B61 to require consultation will allow Council to consider the design of the fence to ensure that it does meet the DCP requirements. The comments would then be provided to the certifying authority, prior to the issuing of the Construction Certificate, to be considered in the same manner as the remainder of the development.

Should you have any questions, I may be reached at 9493 9515 or [trichardson@emmconsulting.com.au](mailto:trichardson@emmconsulting.com.au).

Yours sincerely



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